

## **REMARKS**

The present Amendment amends claims 33, 39 and 44 and leaves claims 34-38, 40-43 and 45-49 unchanged. Therefore, the present application has pending claims 33-49.

Claims 33-37 and 39-46 stand rejected under 35 USC §102(b) as being anticipated by Fenwick (U.S. Patent No. 4,947,244); claim 38 stands rejected under 35 USC §103(a) as being unpatentable over Fenwick and claims 47-49 stand rejected under 35 USC §103(a) as being unpatentable over Fenwick in view of Yamada (JP No. 9-247616). These rejections are traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 33-49 are not taught or suggested by Fenwick or Yamada whether taken individually or in combination with each other as suggested by the Examiner. Therefore, reconsideration and withdrawal of these rejections is respectfully requested.

Amendments were made to the claims so as to more clearly recite that according to the present invention a receiver and an information output apparatus and method not only restricts the number of apparatuses that can view and record the program at the same time to be less than or equal to a predetermined number but also restricts output of the program or data to apparatuses that have been certified/authenticated as and apparatus that can receive the program.

The above described features of the present invention as now more clearly recited in the claims are not taught or suggested by Fenwick or Yamada whether taken individually or in combination with each other as suggested by the Examiner.

As noted above, the unique features of the present invention are that the controller not only determines whether the number of apparatuses to receive the program is less than or equal to a predetermined number but also determines whether the apparatuses are regularly certified apparatuses which can receive the program and restricts output of the program to the certified apparatuses. There is absolutely no teaching or suggestion in Fenwick of the above described features of the present invention regarding the certification/authentication of an apparatus as being an apparatus that can receive a program and restricting distribution of the program to those certified/authenticated apparatuses as in the present invention.

In the Office Action the Examiner alleges that the above described features of the present invention are disclosed in Fenwick at col. 10, lines 52-67 and col. 11, lines 1-2 which describe:

“to distinguish between video program playback sources 112 and screen buffers 270 (which are also video sources), the status information array 254 stores a “multiple usage allowed flag” for every video source. This flag denotes whether the video source can be coupled to multiple video monitors. In the preferred embodiment, only the screen buffers 270 are denoted as being enabled for multiple viewing. However, in other embodiments, if licenses are obtained for public showing of certain programs (such as an instructional tape that is to be viewed by students in several classrooms), the systems software could be easily modified to allow specifically designed video playback units to be coupled to more than one video monitor at a time. It is anticipated that such multiple connections will have to have been specially requested by a system operator, and that the connections to the multiple monitors will be made in quick succession so that all the monitors can display the full extent of the shared program”.

As is quite clear from the above, at no point is there any teaching in the above noted passage of Fenwick of the certification/authentication of an apparatus so as to certify/authenticate whether the apparatus is one that can receive the program and to restrict distribution of the program to the certified/authenticated apparatuses as in the present invention. The above noted passage of Fenwick simply describes the embodiment necessary for displaying a shared program on multiple video monitors from a single video playback unit. No certification and/or authentication of the video playback unit as one that can receive the program is taught in Fenwick as having been performed. In Fenwick, if the playback unit cannot conduct display on multiple monitors, then the program is still received and displayed on a single monitor.

The unique features of the present invention as described above and as recited in the claims provides advantages over that of conventional apparatus such as that taught by Fenwick. The present invention allows for the prevention of the distribution of a program to illegal or uncertified apparatuses prior to the distribution of the program or content. Such is clearly not possible in Fenwick since such certification/authentication operation is not performed.

Therefore, Fenwick fails to teach or suggest that the controller determines whether the number of the other apparatuses is less than or equal to a predetermined number, determines whether the other apparatuses are regularly certified apparatuses which can receive the program, restricts the other apparatuses, to which the output circuit provides the program, to the regularly certified apparatuses, and restricts the number of the apparatuses to be less than or equal to the predetermined number as recited in the claims.

Thus, as is clear from the above, the features of the present invention as now more clearly recited in the claims are not taught or suggested by Fenwick. Therefore, reconsideration and withdrawal of the 35 USC §102(b) rejection of claims 33-37 and 39-46 as being anticipated by Fenwick and the 35 USC §103(a) rejection of claim 38 as being unpatentable over Fenwick is respectfully requested.

The above noted deficiencies of Fenwick are not supplied by Yamada. Therefore, combining the teachings of Fenwick and Yamada in the manner suggested by the Examiner still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Yamada is merely relied upon for an alleged teachings of the coding of output programs. At no point is there any teaching or suggestion in Yamada of the above described features of the present invention particularly with regard to the certification/authentication of apparatuses as being an apparatus which can receive the output program as in the present invention.

Thus, combining Fenwick with the Yamada in the manner suggested by the Examiner still fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Therefore, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 47-49 as being unpatentable over Fenwick in view of Yamada is respectfully requested.

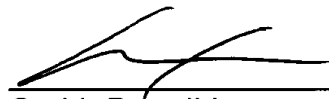
The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 33-49.

In view of the foregoing amendments and remarks, Applicants submit that claims 33-49 are in condition for allowance. Accordingly, early allowance of claims 33-49 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (520.36900X00).

Respectfully submitted,

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